App. F. IX-4

1936-37

CS File No. 124-86

Serial Nos. 1-3

Previous References

CS 101-84-11
CS 39-85-11
CS 110-85-(1-5)

Letter References

CB 67-37-1145-(Cont'd)
CB 115-40-385 87/CC 56-40-41)

GENERAI AND REVENUE SECRETARIAT

Serial Nos. 1-2

Part B for Sept 86

SUBJECT

Complaint regarding the misbehaviour & attitude of Mr. R Muthuraj Jr Special I class Magte Chikmagalur

WD 0418—GPB—22.500—29-8-36

Serial No.

From
The District Magistrate Kadapa
No Cal 780/35-36 dt 4.8.36

Forwards copy of a D.O. letter dt 3.8.36 addressed to the Registrar High Court regarding the insubordinate attitude of Mr R. Puttaraj urs, Special First class Magistrate Chitvel.

Submitted for orders as to whether the report from the High Court in the matter may be awaited.

2) Chief Secy's orders
"Cruchini"
Sd/- B TK
7-8-36

3) The D.M. has referred the matter to the High Court & has sent for a copy of his letter to the High Court. We may if approved, await the action, if any, of the High Court

4) Chief Secretary A. Yes. 6/8
I am not sure if the case against the magistrate is really strong

5) For perusal

Member)

NOTE—Contra Sheet

No Cal 780/35-36 dt 10.9.36 from the Dy Commr Kadur dt enclosing a copy of his letter to the Registr High Court regarding the interdivisional attitude of Mrs R. Puttaraj Hrs Spl Majr. Chikmagalur submd for perusal and ords, if any.

Sd
12/9

The Dy. Comr's ~~letter~~ is sending to Govt. copies of his letters addressed to the Registrar, High Court. The High Court have not sent on to Govt the Dy. Comr's letter d. 3.8.36, but have proposed the transfer of Mr Puttaraj Urs from Chikmagalur to Hassan with effect from 26.10.1936 and in that connection referred to "some friction between him & the Dt Magte" making it "desirable in the opinion of the Judges that the two offices should not remain in the same Station

(Vide file linked)

It is for orders whether any action is needed on the present letter of the D.C. (sending a copy of his letter to the High Court, or whether any reference from the High Court may be awaited

Sd (12/9)

General & Revenue Secretariat.

File No. 534 of 193

[App. F. III–2

Serial No.

The High Court may be requested to intimate what action if any they have taken on the D. Registr's letters

Chief To.

12/9/36

1st member)

MS 12/9

DATE 12 SEP. 1936

1777 14.9.

Mr. awaited

Spr 15/9 MS 15.

Dr 15/9

Do.No Cl.4/1936 dt 28.9.36 from the Registrar, High Court regarding is irresponsible Counsel of his 2 stray hrs. of Registr in absentia hiring from his work enumerating Subs for perusal. The action if any, which the High Court may take in the matter may be awaited

For perusal

Dom 30/9

2nd member)

MS 30/9

OFFICE OF THE SECOND MEMBER OF COUNCIL 30 SEP. 1936 NO. 2311

So far no reference has been received in the matter from the High Court. ~~It is possible~~ the matter has already been

Mlle 10/36

MS 11/10

NOTE—Contn. Sheet

Cp. 5361

File No. of 193 General and Revenue Secretariat

of the High Court, and possibly the High Court may not ~~make~~ have considered it necessary to make any further reference to Govt. regarding the District Magistrate's complaints

For orders if these papers may be filed & or whether the High court ~~xxx~~ need be asked ~~if they have anything to say in the matter~~ to state what action if any Govt have taken in the matter

Submd. CJO 16/12/86

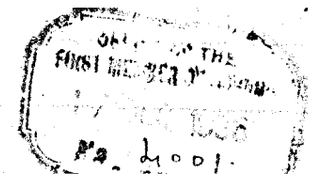
Papers may be filed.

1st member

17/12

17/12

17/12



D.C.N

CL/124-36-1 — 805-36

No. Cal 780/35-36
Encs. Four only

Office of the District Magistrate,
Kadur District,
Dated Chikmagalur 4th August 1936.

Dear Sir,

I enclose herein for favour of information of -- Government a copy of my D.O. letter No. Cal. 780/35-36 dated the 3rd August 1936 to the Registrar, High Court of Mysore, regarding the insubordinate attitude of Mr. R. Puttaraj Urs, Special First Class Magistrate, Chikmagalur.

Yours sincerely,

Gulvadi Venkatrao

Put it to Secretariat
5/8/36

To

B.T. Kesaviengar Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

D.C. No. Cal No. 780/35-36

Confidential.

OFFICE OF THE DEPUTY COMMISSIONER.
& DISTRICT MAGISTRATE,
KADUR DISTRICT.

Chikmagalur, dated .....3rd.August.1936.....

Dear Sir,

In forwarding herewith, by separate registered post, the recor in C.C. No. 193/35-36 (Government Vs. Salvadoor Lobo and another) on the file of the Special First Class Magistrate, Chikmagalur, together with copies of observations mad in the above case and the reply of the Magistrate therete, I write to bring to the notice of the High Court the highly objectionable and insubordinate tone of the Specia First Class Magistrate, Mr. R. Puttaraj Urs. Some of the petty cases relating to offe ces under Motor Vehicle Regulation and Road Traffic and Taxes Regulation were handled in an unsatisfactory and careless way for which I wanted to give personal instructions to him instead of making references to the High Court or for filing appeals, due to th petty nature of the cases. Mr. Puttaraj Urs's behaviour and tone was very unbecoming and insolent and he clearly told me that he is not bound to carry out my instruc- tions and that the High Court alone should guide him. Thereafter I have made a refer- ence to High Court in one case and action is being taken to file appeals in four other cases.

2. The case under advertance was dealt with in the usual course. It may kindly be seen from his rejoinder to my observations that he has called into question the authority and power of the District Magistrate under the Criminal Proce- dure code and the tone of his letter clearly points to his insubordinate and impertinen demeanour.

3. The case reported in 13 Mys Law Journal 299 is on all fours with the pre- sent case in C.C. 193 of 35-36 on the file of the Special Magistrate's Court, Chikmagalu P.W. (1) Byre Gowda the main prosecution witness in this case is the accused in the pending counter case, C.C. 137/35-36 (Government Vs. Byre Gowda) on the file of the same court and the Magistrate has charged him for an offence under Section 326 I.P.C. in respect of the identical occurrence. As may be seen from the order of discharge (typed copy enclosed for ready reference) in C.C. No. 193of 35.36, the Magi trate has expressed an adverse opinion about P.W. (1) Byre Gowda in stating that " There is no reason to doubt that the complainant had the upper hand all through". The evidence of this witness has been otherwise also discredited in para 3 of the order. The excuse put forward for disposing of one case earlier than the other, not at all correct and only betrays the ignorance of the Magistrate as to the

the procedure to be adopted in such circumstances. The Statement of the Magistrate in the first para of his letter that orders in both the cases were pronounced by him the same day is rather misleading as he only means -- that he passed final orders of discharge in one case and framed charge in the counter case. There was no hindrance whatsoever for the Magistrate to have left the accused on bail on his own bond and the plea put forth by him that he should have kept the accused in custody for 3 months has therefore no basis.

As the Magistrate has expressed that he is not prepared to follow my instructions and has shown an inclination to insubordination and has -- commenced to criticise the proceedings of Higher Court drawn up on the -- calendar of cases, it is not possible for me to take satisfactory work from him. I have therefore submitted the records in this particular case for -- perusal by the High Court and for such disciplinary action as is deemed -- necessary in the matter.

Yours sincerely,
Sd. M. Abdul Hukh

To

A. Subdararaja Rao Esq., B.A., B.L.,
Registrar, High Court of Mysore,
Bangalore.

" COPY "

Abdul Hukh
District Magistrate,
Kadur District

IN THE COURT OF THE SPECIAL FIRST CLASS MAGISTRATE, CHICKMAGALUR.

Dated Chickmagalur, the 13th June 36.

Present. :-

R. Puttaraj Urs, Esq., M.A., B.L.,
Special First Class Magistrate,
Chickmagalur.

C.C. No. 193/35-36.

Offence punishable under Section 324 I.P.C.

Complainant. :-

Government

Vs.

Accused. :-

1. Salvadore Lobo bin Jocob Lobo, Bantawal, now residing in Lakkavalli, Mudigere Taluk.
2. Louis Lasrada bin Juje Lasrada. (Given up on 26-5-36.)

ORDER.

1. This is a case which has been filed against one Salvador Lobo and another Louis Lasrada under Section 324, I.P.C. by the Police of Mudigere on the complaint of one Byre Gowda, Patel of Kathukola,

2. The allegations against the accused are that while Byre Gowda was returning to his village on 30-1-36 at about 8 P.M. he was attacked by the accused and beaten with clubs and caused injuries to him. Only three witnesses have been examined for the prosecution though six have been cited in the Charge sheet. One of the witnesses is the doctor of Mudigere and another is the Investigating Officer and the 3rd is the complainant himself. Evidently there is no direct witness who can speak to the occurrence with personal knowledge. The prosecution should fail simply on this account, Viz. that there is no other evidence than that of the complainant himself. No doubt the accused in his statement has admitted that there was a scuffle between them that night and the doctor, Pw. 1 has spoken to the complainant Pw.2 having some injuries. The doctor has also stated that the accused had more serious injuries and that the complainant appeared before him next day at about 10 A.M. and that he was then alright. There is no doubt that the complainant had the upper hand all through.

3. There is also another fact which is against the prosecution. The complainant gave a statement to the Sub Inspector, Pw. 3. Venkatesiah as soon as he appeared before him and it is marked XX Ex. P.2. The complainant has admitted in it that he had to hit the accused with his knife in self protection. The story of the complainant in the course of his evidence before the Court is different. He has stated before this Court that he was beaten all along by the accused and that he did not beat him at all. His plea is that Ex. P.2 was not read out to him and that he does not know its contents cannot be accepted for he is a literate person and there is no motive for the Sub Inspector to record a false statement. The injuries of the complainant might have been caused by the other accused as this accused has stated and after all they are not serious ones. There is no XX evidence on the side of the prosecution to show that the complainant was attacked by the two accused simultaneously. It seems to me probable that the accused was attacked by the complainant when the former was returning from the cattle shed and the complainant physically is more than a match for the accused.

caused the injuries to the complainant Byre Gowda and so I discharge the accused under Section 253 Cr.P.C.

Pronounced in Open Court.

Sd. R. Puttaraj Urs,

Special First Class Magistrate,
Chickmagalur.

Dated 13-6-1936.

"Copy"

Cal. 780/35-36.

Office of the District Magistrate,
Kadur District, Chickmagalur.
Dated 28th July 36.

Official Memorandum.

Reference :-

Calendar 780/35-36 ~~xx~~ submitted by the Special First Class Magistrate, Chickmagalur, in C.C.No. 193/35-36 (Government Vs. Salvador Lobo and another) discharging the accused of an -- offence under Section 324, I.P.C.

When there is a case and a counter case in his Court in respect of the identical occurrence as in the present instance, it was not proper on the part of the Magistrate to have expressed his opinion on the Prosecution evidence by passing a discharge order in one case earlier than the other. Both the cases should have been disposed of simultaneously so as not to prejudice the accused in any case. In this connection the attention of the Magistrate is invited to a -- recent case decided by the Mysore High Court reported in 13 Mysore Law Journal. Page 299.

Sd. M. Abdul Hukh,

District Magistrate,
Kadur District.

"Copy"

SM

No. H.To. 55/36-37.

Court of the Special First Class Magistrate, Chickmagalur
Dated, Chickmagalur, the 30th July 1936.

From

The Special First Class Magistrate,
Chickmagalur

To

The District Magistrate,
Kadur District, Chickmagalur.

S i r,

With reference to your Official Memorandum No. Cal. 780/35-36 dated the 28th July 1936, regarding my disposal of C.C.No. 193/35-36, I have the honor to state that there is nothing improper in it as observed by you. The orders in both the cases were pronounced on the same date and as a matter of fact the other case was ready for orders on 16-5-36 alone. My predecessor in office some how did not pass orders that day and it had been posted for orders to 26-5-36. That day also orders were not pronounced and it was adjourned along with the connected case to 4-6-36.

After I took charge on 2-6-36 I found that it was not correct to pass orders in one case only and orders were deferred till the other case was also closed. On 8-6-36 the other case was also closed and both were posted for orders to 13-6-36. That day orders were pronounced in C.C. 193/35-36 discharging the accused and in C.C. 137/35-36 charging the -- accused. It is not clear what is improper about this.

Further the facts of these cases are different from that of the case cited by you. Firstly in the case in which orders were passed discharging the accused. the accused was in custody for three months and it would have been manifestly improper to detain him in prison till the other -- case was ready for judgment. The decisions quoted cannot be construed in support of such a proposition. If I had acted according to the interpretation put by you the poor accused would have been in jail for another three months and perhaps more. The other case is still pending. Secondly the accused in the other case has not been any way prejudiced by any adverse comment of the evidence of his prospective witnesses. In fact three witnesses examined for him were ignorant of the actual figh-

any opinion.

Under these circumstances I feel that your Official Memorandum is not justified and I beg to point out with all due deference that I cannot ~~xxxx~~ act up to the instructions contained therein in all cases, unless it is backed by the opinion of the High Court.

After all in such cases discretion should be left to the presiding Judge and interference in such matters without the parties taking any initiative will result in miscarriage of justice.

I have the honour to be.
Sir,
Your most obedient servant.

Sd. R. Puttaràj Urs,
Special First Class Magistrate
Chickmagalur.

"Copy"

SM

No. Cal 780/35-36 Enc One.

D 444
Cl 126-36-2

ABDUL HUKH, Esq., B.A.,
DEPUTY COMMISSIONER.

Chikmagalur,
Dated 10th September 1936.

Dear Sir,

In continuation of my D.O. letter No. Cal. 780/35-36 dated the 4th August 1936, I enclose herein a copy of my D.O. letter D. Co. 9-36 to the Registrar, High Court of Mysore, regarding the insubordinate attitude of Mr. R. Puttaraj Urs, Special First Class Magistrate, Chikmagalur.

Yours sincerely,

To

B.T. Kesaviengar Esq., B.A.,

Chief Secretary to Government,

BANGALORE.

C.B.
Put up papers
11/9

No. Cal. 780/35- 36

Office of the District Magistrate,

Kadur District

Dated Chikmagalur 10th September 1936.

Dear Sir,

In continuation of my D.O. letter No. Cal 780/35-36 dated the 19th August 1936, I write to bring to your notice another instance of the insubordinate tone exhibited by Mr. R. Puttaraj Urs, Special First -- Class Magistrate, Chikmagalur. Adverting to Chief Secretary's letter No. P. 769-76/Pol 16-36-2 dated 28th July 1936, the District Superintendent of Police was instructed to bring to my notice instances of unnecessary references made to the Police by Magistrates under Section 156(3) and 202 Criminal Procedure Code. The District Superintendent of Police reported on 7th August 1936 two such cases that were recently referred to the Police for enquiry and report by the Special First Class Magistrate, Chikmagalur, in F.I.R. Nos. 19 and 22/36-37, in which no action was to be taken by the police except to examine some witnesses and send a report. In such circumstances, the inquiry, if one is deemed necessary, could be held by the Magistrate himself under Section 202 Cr.P.C. Agreeing with the report of the District Superintendent of Police, general instructions were issued to the subordinate Magistracy indicating the circumstances in which a reference to Police under Sections 156 (3) or ~~Xxx~~ 202 Cr. P.C. was advisable. in accordance with the principles enunciated in 23 Mys. C.C.R. 127 by the Chief Justice and incidentally making reference to the complaints that were sent to the Police by the Special First Class Magistrate, Chikmagalur, for enquiry, one under section 202 and the other under 156(3) Cr.P.C.

2. The Magistrate has given a lengthy rejoinder to my instructions defending his action and the tone particularly in the last para of his letter is smacking of his insubordinate attitude. Copies of all the papers in the order they are referred to above are herein enclosed for the information of the High Court. The Magistrate's explanation for referring the complaints to the Police ~~is~~ not stand a scrutiny. In both the cases the Magistrate has made a perfunctory examination of the complainant and failed

failed to record the reasons for distrusting the truth of the com laint. Another irregularity also appears to have been committed in recording an elaborate sworn statement of the compdainant in F.I.R. 19/36-37, sometime after the presentation of the complaint and reference to the Police. The proceedings are not dated. The allegations in both the complaints are clear and though the offences are cognizable and that by itself is not a sufficient ground for referring them to the Police. The Magistrate -- could himself have looked into the village accounts in one and compared the h ndwriting in the other after summoning the required documents. The Police could not be called upon to take up the roll of handwriting experts The Magistrate has also adverted to several references made to the Police previously by the same court but that fact will not serve as an excuse for continuing the practice in cases where inquiry by Police is not a necessaity. I have discussed this subject at some length just for pointing out the persistent attitude of this Magistrate towards orders or instructions issued by me.

Yours sincerely,
Sd. M. Abdul Hakk

To

T. Shamiengar Esq., B.A., B.L.,
Registrar, High Court of Mysore
BANGALORE

'Copy'

Abdul Hakk
District Magistrate
Kadur District

CR 534

No. Cl. 4/1936

M. ABDUL [illegible]KH, ESQ., B.A.,
DEPUTY COMMISSIONER.

Chikmagalur, 24-86-3

Dated 28th September 1936.

C.B. 115 30/9

Dear Sir,

I enclose herein a copy my D.O. letter No. Cl. 4/1936 dated 28th September 1936 addressed to the Registrar, High Court of Mysore, regarding the irresponsible conduct of Mr. R. Putta raj Urs, Special First Class Magistrate, Chikmagalur, for the information of Government.

Yours sincerely,

[signature]

To

B.T. Kesaviengar Esq., B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

No. C1 4/1936

M. ABDUL MUKH, Esq., B.A.,
DEPUTY COMMISSIONER.

Chikmagalur,

Dated 23th September 193 6.

Dear Sir,

In forwarding herewith copies of the marginally noted papers, I write to bring to the notice of the High Court the conduct of Mr. R. Puttaraj Urs, Special First Class Magistrate, Chikmagalur, in absenting himself from his work unauthorisedly and without even intimating the same to me beforehand. In accordance with his requisition he was given permission to utilise the General holidays on the 19th and 20th instants and also to leave the Head Quarters on those days. It was only on the 23rd instant, while I was on tour that I came to know from his letter dated 22-9-1936 that he had absented himself on the 21st instant and remained outside this District. He has not mentioned in his letter any extraordinary circumstance which rendered him incapable of even sending a telegraphic communication to me.

1. D.O. No. 9/36-37 dated 16-9-1936 of the Special Magistrate, Chikmagalur.
2. No. C1.4/1936 dated 17-9-1936 of this office.
3. H. to No. 120/36-37 dated 22nd September 1936 of the Special Magistrate.

On that particular day, that is, Monday the 21st instant, I left Head Quarters for Tarikere on tour and as the absence of the Magistrate was not anticipated, no officer was placed in charge of the court to formally adjourn the cases, remand the undertrial prisoners to the Lock-up in custody cases and to discharge witnesses (including official witnesses who had come from Chitaldrug. The ~~disdodation~~ dislocation of court work